

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

COURTNEY DIMIDIK, on behalf
of herself and those similarly
situated,

Plaintiff,

v.

HALLRICH, INC., *et al.*,

Defendants.

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Case No. 3:21-cv-306

JUDGE WALTER H. RICE


ORDER SUSTAINING PLAINTIFF'S MOTION TO SUPPLEMENT
BRIEFING (DOC. #25); SIMULTANEOUS BRIEF TO BE FILED WITHIN
10 DAYS

Defendants have filed a motion to dismiss Plaintiff's Class and Collective Action Complaint, which alleges violations of the Fair Labor Standards Act and Ohio law. Doc. #14. Pursuant to Fed. R. Civ. P. 12(b)(1), Defendants argue that the Dispute Resolution Plan signed by Plaintiff requires this dispute to be resolved through mediation or arbitration. Plaintiff disagrees.

After Defendants' motion was fully briefed, Plaintiff filed a Notice of Supplemental Authority, Doc. #25, citing *Morgan v. Sundance, Inc.*, 142 S.Ct. 1708 (May 23, 2022), which held that a court cannot create arbitration-specific variants of a federal procedural rule based on the FAA's policy favoring arbitration. She asks the Court to permit the parties to file short supplemental briefs detailing their positions on the applicability of this decision to the pending motion.

The Court SUSTAINS Plaintiff's request, Doc. #25. Ten days from the date of this Order, the parties shall file simultaneous supplemental briefs not exceeding five pages in length setting forth their respective positions.

Date: July 13, 2022



WALTER H. RICE
UNITED STATES DISTRICT JUDGE